IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE KURIAN JOSEPH

TUESDAY, THE 20TH FEBRUARY 2007 / 1ST PHALGUNA 1928

WP(C).No. 33084 of 2003(L)

PETITIONER:

V.R.RAJAN, TALUK SUPPLY OFFICER(RETD),
KUNNATHUNAD, PERUMBAVOOR.

BY ADV. SRI.K.JAJU BABU
SMT.M.U.VIJAYALAKSHMI

RESPONDENTS:
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1. **STATE OF KERALA REP. BY SECRETARY TO GOVERNMENT, FOOD AND CIVIL SUPPLIED DEPARTMENT, GOVERNMENT SECRETARIAT, TRIVANDRUM.**

2. **THE DEPARTMENTAL PROMOTION COMMITTEE-I, REPRESENTED BY ITS CONVENOR, THE SECRETARY TO GOVERNMENT, FOOD CIVIL SUPPLIES AND CONSUMER AFFAIRS DEPARTMENT, GOVERNMENT SECRETARIAT, THIRUVANANTHAPURAM.**

BY GOVERNMENT PLEADER SRI.MANOJ

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 20/02/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

WPC.NO.33084/2003 L

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P1: **COPY OF SELECT LIST PUBLISHED IN KERALA GAZETTE DTD. 31/03/2003 VIDE G.O.(P) NO.8/2003/FCS&CAD DTD. 17/03/2003.**

EXT.P2: **COPY OF REPRESENTATION SUBMITTED BY THE PETITIONER BEFORE THE 2ND RESPONDENT DTD. 28/04/2003.**

EXT.P3: **COPY OF JUDGMENT DTD. 16/09/2002 IN O.P.12754/2002 OF THIS HON'BLE COURT.**

EXT.P4: **COPY OF JUDGMENT DTD. 5/06/2003 IN WP(C) 17365/2003 OF THIS HON'BLE COURT.**

EXT.P5: **COPY OF MEMO OF CHARGES NO.CS.C8-36367/2000 DTD. 20/04/2003 ISSUED BY THE COMMISSIONER OF CIVIL SUPPLIES, TVM TO THE PETITIONER.**

EXT.P6: **COPY OF G.O.(RT) NO.173/2003/FCS & CAD DTD. 4/09/2003 ISSUED BY THE 1ST RESPONDENT.**

EXT.P7: **COPY OF JUDGMENT DTD. 19/09/2003 IN WP(C) NO.29175 OF 2003 OF THIS HON'BLE COURT.**

EXT.P8: **COPY OF HEARING NOTE SUBMITTED BY THE PETITIONER BEFORE THE HON.SECRETARY TO GOVT.FOOD & CIVIL SUPPLIES & CONSUMER AFFAIRS, TVM. DTD. 26/09/2003.**

EXT.P9: **COPY OF G.O.(RT) NO.190/2003/FCS & CAD DTD. 27/09/2003 ISSUED BY THE 1ST RESPONDENT.**

/TRUE COPY/

Kss

KURIAN JOSEPH, J.

W.P.(C) No.33084 of 2003

Dated 20th February, 2007.

J U D G M E N T

Petitioner is aggrieved since his name was not included in Ext.P1 select list for appointment as District Supply Officer. In the counter affidavit it is stated that as on the date of convening of the Departmental Promotion Committee, viz., 22.2.2003, disciplinary action against the petitioner was under process. Therefore, the petitioner is not entitled to the benefit, in view of the bar under Rule 28(b)(7) Note (1) of the Kerala State and Subordinate Service Rules. The writ petition is accordingly dismissed.

KURIAN JOSEPH, JUDGE.

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KURIAN JOSEPH, J

W.P.(C)No. of 2002

J U D G M E N T

Dated 20th February, 2007.